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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,961	08/15/2001	Frank Duvinage	MB 406	2156
27956	7590	08/08/2007	EXAMINER	
KLAUS J. BACH 4407 TWIN OAKS DRIVE MURRYSVILLE, PA 15668			HANDAL, KAITY V	
		ART UNIT	PAPER NUMBER	
		1764		
		MAIL DATE	DELIVERY MODE	
		08/08/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/929,961	15/08/01-13/7/07	Duvinage, Frank et al.	MB 406

EXAMINER
HANDAL, Kaitlyn V.

ART UNIT	PAPER
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1764 20070804

DATE MAILED:

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Commissioner for Patents

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. However, applicant's submission filed on 7/30/2007 has not been entered, as it is not fully responsive to the previous office action as set forth below.

Election/Restrictions

2. The amendment filed on 7/30/2007 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims 28-39 presented are new method claims, which read on a method of operating an exhaust-gas cleaning unit, which is a non-elected invention.

Applicants cannot file an RCE to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined as a matter of right (Applicant cannot switch inventions). See 37 CFR 1.145 and MPEP 706.07(h) subheading VI (b).

Applicant may choose to consider refiling the proposed claims in a divisional application under 1.53(b). Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.


Glenn Calderola
Supervisory Patent Examiner
Technology Center 1700